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DLA PIPER RUDNICK GRAY CARY US LLP
 MATTHEW S. COVINGTON (SBN: 154429)
 JAMIE S. PETERSON (SBN: 191261)
 153 Townsend Street, Suite 800
 San Francisco, CA 94107-1957
 Telephone: (415) 836-2500
 Facsimile: (415) 836-2501

Attorneys for Plaintiffs
 SAFE Financial LLC, a Delaware limited
 liability company, and SSC Service Corp.,
 a California corporation

FILED
 FEB 27 2006

RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SAFE FINANCIAL LLC, a Delaware limited
 liability company, and SSC SERVICE CORP.,
 a California corporation,

Plaintiffs,

vs.

PERIMETER SECURITY SOLUTIONS,
 L.L.C., a Georgia limited liability company, and
 ROBERT H. SMITH, an individual,

Defendants.

Case No. C 04-04084 MJJ

**STIPULATION AND ~~PROPOSED~~
 ORDER TO AMEND PRETRIAL ORDER**

Date: No Hearing Pending

Place: Courtroom 11, 19th Floor
 Judge: Hon. Martin J. Jenkins

The parties to the above-entitled action jointly submit this Stipulation and request the
 Court to adopt it as its Order in this case.

Pursuant to the Court's November 1, 2005 Pretrial Order, the following deadlines
 have been set for this action:

Non-Expert Discovery Cutoff:	February 28, 2006
Designation of Experts:	March 31, 2006
Expert Reports:	April 14, 2006
Designation of Rebuttal Experts:	May 5, 2006
Rebuttal Expert Reports:	May 5, 2006
Expert Discovery Cutoff:	May 15, 2006
Dispositive Motions:	May 16, 2006
Pretrial Conference:	July 11, 2006, 3:30 pm
Trial Date:	July 17, 2006, 8:30 am

1 In December, plaintiffs noticed the depositions of Robert Smith and Richard McCall
2 (members of defendant Perimeter), and another witness for mid-January 2006. These depositions
3 were subsequently rescheduled for January 30 and 31, 2006 to accommodate defense counsel's
4 vacation. However, on the evening of Friday, January 27, 2006, counsel for the defendants
5 contacted plaintiffs' counsel and advised that his witnesses would not be appearing at the depositions
6 on Monday.

7 Due to the upcoming discovery cutoff date (February 28, 2006), plaintiffs were
8 prepared to quickly move to compel the depositions and seek sanctions, but plaintiffs refrained from
9 submitting a joint letter regarding this dispute to the Court while the parties engaged in additional
10 settlement discussions. To date, these settlement discussions have been unsuccessful.

11 Recently, counsel for the defendants advised plaintiffs' counsel that Perimeter (and
12 possibly Mr. Smith) may file for bankruptcy if the parties cannot reach a settlement. Counsel for the
13 defendants may also file a motion seeking to withdraw as counsel for the defendants.

14 In light of these events, the parties jointly request that the court continue the non-
15 expert discovery cutoff date by one month to permit the parties additional time to, among other
16 things, conduct percipient witness discovery. This continuance will also permit the parties sufficient
17 time to either consummate a settlement, or permit the Perimeter and/or Mr. Smith to file (or not file)
18 for bankruptcy, and permit counsel for the defendants to seek to withdraw as counsel. Without the
19 continuance, the upcoming discovery cutoff will force both parties to engage in motion practice and
20 conduct discovery that may prove unnecessary.

21 Therefore, the parties request that the non-expert discovery cutoff be continued to
22 March 31, 2006.

23 DATED: February 16, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

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25 By: Jamie S. Peterson
26 Jamie S. Peterson
27 Attorneys for Plaintiffs
28 SAFE Financial LLC, a Delaware limited liability
company, and SSC Service Corp., a California
corporation

1 DATED: February 16, 2006

VALINOTI & DITO

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3
4 By: 

Kenneth L. Valinoti

Attorneys for Defendants

Perimeter Security Solutions, a Georgia limited
liability company, and Robert H. Smith

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7 **CASE MANAGEMENT ORDER**

8 The Stipulation and Proposed Order is hereby adopted by the Court. The November
9 1, 2006 Pretrial Order for the case is amended to state that the non-expert discovery cutoff date shall
10 be March 31, 2006.

11 IT IS SO ORDERED.

12
13 DATED: 2/27/2006


Hon. MARTIN J. JENKINS

United States District Court Judge